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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/556,654
Filing Date: November 12, 2005
Appellant(s): KARLSSON, NILS

Ronald Liu
Reg. No. 64,170
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09/01/2010 appealing from the Office action mailed 03/16/2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

1-10 and 13-20.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the

appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

7,088,677	Burst, Jr.	08-2006
6,876,627	Rao, Anup V.	04-2005
2003/0118011	Wu et al.	06-2003
6,542,499	Murphy et al.	04-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 6-10, 13, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burst, Jr. (US 7,088,677) in view of Wu et al (US-PGPUB 2003/0118011 A1) (herein after Wu).

Regarding claim 1, Burst teaches a method of controlling call admission within a system including a plurality of media gateways interconnected by a packet switched backbone, the method comprising the steps of **[see column 6 lines 1-16 where systems and methods for detecting congestion and using the congestion information, Edge devices such as media gateways refuse new incoming connections from core network (the core network and media gateways together make up the packet switched backbone) is shown]**:

monitoring the level of congestion suffered by incoming packets for a first gateway **[see column 16 lines 10-17 where media gateway detects and attempts to determine the point at which the link becomes congested and the congestion of the networks]** wherein said incoming packets are transmitted from a group of media gateways over said backbone and wherein said first media gateway acting as a terminating media gateway for said group of media gateways **[see column 15 lines 57-65 where the packets are sent across a network and to other media gateways (a group of media gateways over said backbone) ; see also column 16 lines 23-27 where the destination gateway (first media gateway acting as a terminating media gateway) records arrival time of the packets]**; and receiving a request for said first media gateway to terminate a new bearer connection extending over said backbone from a second media gateway within said group of media gateways; making a decision on the admissibility of that request **[see column 8**

lines 1-10 where the media gateway receives a request to create a call to a specific destination and where congestion is computed and is implied and as a result the media gateways at both ends-source and destination-stop admitting new calls];

rejecting or accepting said request for said new bear connection based on said admission decision [**see column 18 lines 8-11 where the request for admission is rejected based upon the determined delay]**.

However, Burst does not, in the same embodiment, explicitly teach the decision is based upon the previously monitored level of congestion suffered by said first media gateway for said incoming packets from said second media gateway or from said group of media gateways. However, Burst in a different embodiment teaches the delay upon which the decision is made can be based upon Db-"bearer packet delay" where Db is calculated and stored in the congestion state table for later use (previously computed) **[see column 17 lines 60-67 *(see also column 16 lines 30-32)*].** It would have been obvious for a person having ordinary skill in the art to use a previously determined congestion table. This is desirable in order to enable the media gateway processor utilize an organized information in performing CAC (connection admission control).

However, Burst does not explicitly teach the group of media gateways are identified by a specific subnet mask. However, Wu, in the same field of endeavor, teaches a load monitor that continuously collects workload data from multiple VoIP proxy servers **[see paragraph 0017]** where the load monitor receives workload information from a subnet of the entire VoIP proxy server network **[see paragraph 0041]**. It would have been obvious for a person having ordinary skill in the art to monitor gateways identified by a

specific subnet mask. It is desirable to monitor gateways identified by a specific subnet in order to balance workload among the gateways (see paragraph 0017).

Regarding claim 6, Burst teaches the method according to claim 1, wherein said packet switched backbone is an Internet Protocol (IP) backbone **[see column 6 lines 28-31 where the network is shown to be an IP network core]**.

Regarding claim 7, Burst teaches the method according to claim 1, wherein said step of making said decision on the admissibility of said request is made at said first media gateway **[see column 7 lines 4-8 where the destination gateway performs the Connection Admission Control including refusing connection requests to nodes over links that the gateway has determined are congested]**.

Regarding claim 8, Burst teaches the method according to claim 1, wherein said step of making the decision on the admissibility of said request is made at the a media gateway controller controlling said first media gateway and said monitored congestion levels are signaled to the media gateway controller by the first media gateway **[see column 12 lines 1-5 where the media gateway processor (media gateway controller) utilizes information stored in a congestion state table (first media gateway) in performing said Call Admission Control]**.

Regarding claim 9, Burst teaches a media gateway arranged to control call admission within a system including a plurality of media gateways interconnected by a packet switched backbone, the media gateway comprising **[see column 6 lines 1-16 where systems and methods for detecting congestion and using the congestion information, Edge devices such as media gateways refuse new incoming connections from core network (core network and media gateways together make up the packet switched backbone) is shown]**:

means for monitoring the level of congestion suffered by incoming packets **[see column 16 lines 10-17 where media gateway detects and attempts to determine the point at which the link becomes congested and the congestion of the networks]** to that gateway from other media gateways over said backbone wherein said gateway acting as a terminating media gateway for said other media gateways **[see column 15 lines 57-65 where the packets are sent across a network and to other media gateways (a group of media gateways over said backbone) ; see also column 16 lines 23-27 where the destination gateway (first media gateway acting as a terminating media gateway) records arrival time of the packets]**;

means for receiving or accepting a request for that media gateway to terminate a new bearer connection extending over said backbone from a requesting media gateway within said other media gateways; means coupled to the monitoring means and the receiving means for making a decision on the admissibility of that request **[see column 8 lines 1-10 where the media gateway receives a request to create a call to a specific destination and where congestion is computed and is implied and as a result the media gateways**

at both ends-source and destination-stop admitting new calls]; means for rejecting said request for said new bearer connection based on said admission decision **[see column 18 lines 8-11 where the request for admission is rejected based upon the determined delay]**.

However, Burst does not explicitly, in the same embodiment, teach the decision is based upon the previously monitored level of congestion suffered by said first media gateway for said incoming packets from said second media gateway or from said group of media gateways. However, Burst in a different embodiment teaches the delay upon which the decision is made can be based upon Db-"bearer packet delay" where Db is calculated and stored in the congestion state table for later use (previously computed) **[see column 17 lines 60-67 *(see also column 16 lines 30-32)*].** It would have been obvious for a person having ordinary skill in the art to use a previously determined congestion table. This is desirable in order to enable the media gateway processor utilize an organized information in performing CAC (connection admission control).

However, Burst does not explicitly teach the group of media gateways are identified by a specific subnet mask. However, Wu, in the same field of endeavor, teaches a load monitor that continuously collects workload data from multiple VoIP proxy servers **[see paragraph 0017]** where the load monitor receives workload information from a subnet of the entire VoIP proxy server network **[see paragraph 0041]**. It would have been obvious for a person having ordinary skill in the art to monitor gateways identified by a specific subnet mask. It is desirable to monitor gateways identified by a specific subnet in order to balance workload among the gateways (see paragraph 0017).

Regarding claim 10, Burst teaches a media gateway controller arranged to control call admission within a system including a plurality of media gateways interconnected by a packet switched backbone **[see fig. 4A '402' where a media gateway processor (media controller) is shown within a system; and see column 6 lines 1-16 where systems and methods for detecting congestion and using the congestion information, Edge devices such as media gateways refuse new incoming connections from core network (the core network and media gateways together make up the packet switched backbone) is shown**], the media gateway controller comprising: an interface towards a first media gateway and means for receiving monitored congestion levels from said first media gateway **[see column 12 lines 1-5 where the media gateway processor (media gateway controller) utilizes (interfaces and receives) information stored in a congestion state table (first media gateway) in performing said Call Admission Control]**;

the monitored congestion levels being indicative of the congestion suffered by incoming packets to said first media gateway from other media gateways over said backbone wherein said first media gateway acting as a terminating media gateway for said other media gateways [**see column 16 lines 10-17 where media gateway detects and attempts to determine the point at which the link becomes congested and the congestion of the networks; and see column 15 lines 57-65 where the packets are sent across a network and to other media gateways (a group of media gateways over said backbone) ; see also column 16 lines 23-27 where the destination gateway (first**

media gateway acting as a terminating media gateway) records arrival time of the packets and computes delay];

means for receiving a call request requiring that said first media gateway terminate a new bearer connection extending over said backbone from a second media gateway within said other media gateways; means for making a decision on the admissibility of that request based upon the congestion level suffered by said incoming packets for said first media gateway from said second media gateway or from said other media gateways ; **[see column 8 lines 1-10 where the media gateway receives a request to create a call to a specific destination (receiving call request requiring that said first media terminate a new bearer connection) and where**

and means for rejecting or accepting said request for said new bearer connection based on said decision **[see column 18 lines 5-140 where congestion is computed and is implied and as a result the media gateways at both ends-source and destination-stop admitting new calls]**.

However, Burst does not explicitly teach the group of media gateways are identified by a specific subnet mask. However, Wu, in the same field of endeavor, teaches a load monitor that continuously collects workload data from multiple VoIP proxy servers **[see paragraph 0017]** where the load monitor receives workload information from a subnet of the entire VoIP proxy server network **[see paragraph 0041]**. It would have been obvious for a person having ordinary skill in the art to monitor gateways identified by a specific subnet mask. It is desirable to monitor gateways identified by a specific subnet in order to balance workload among the gateways (see paragraph 0017).

Regarding claim 13, Burst teaches a computer program product within a computer usable medium **[see column 18 lines 16-20 where a computer readable medium having computer readable instructions for performing congestion detection and program for performing connection admission control is shown]** for controlling call admission within a system including a plurality of media gateways interconnected by a packet switched backbone **[see column 6 lines 1-16 where systems and methods for detecting congestion and using the congestion information, Edge devices such as media gateways refuse new incoming connections from core network (the core network and media gateways together make up the packet switched backbone) is shown]**, the computer program comprising instructions within the computer usable medium for: monitoring the level of congestion suffered by incoming packets for a first gateway **[see column 16 lines 10-17 where media gateway detects and attempts to determine the point at which the link becomes congested and the congestion of the networks]** wherein said incoming packets are transmitted from a group of media gateways over said backbone and wherein said first media gateway acting as a terminating media gateway for said group of media gateways **[see column 15 lines 57-65 where the packets are sent across a network and to other media gateways (a group of media gateways over said backbone) ; see also column 16 lines 23-27 where the destination gateway (first media gateway acting as a terminating media gateway) records arrival time of the packets]**; and

receiving a request for said first media gateway to terminate a new bearer connection extending over said backbone from a second media gateway within said group of media gateways; making a decision on the admissibility of that request **[see column 8 lines 1-10 where the media gateway receives a request to create a call to a specific destination and where congestion is computed and is implied and as a result the media gateways at both ends-source and destination-stop admitting new calls]**;

However, Burst does not explicitly, in the same embodiment, teaches the decision is based upon the previously monitored level of congestion suffered by said first media gateway for said incoming packets from said second media gateway or from said group of media gateways. However, Burst in a different embodiment teaches the delay upon which the decision is made can be based upon Db-"bearer packet delay" where Db is calculated and stored in the congestion state table for later use (previously computed) **[see column 17 lines 60-67 *(see also column 16 lines 30-32)*]**. It would have been obvious for a person having ordinary skill in the art to use a previously determined congestion table. This is desirable in order to enable the media gateway processor utilize an organized information in performing CAC (connection admission control).

However, Burst does not explicitly teach the group of media gateways are identified by a specific subnet mask. However, Wu, in the same field of endeavor, teaches a load monitor that continuously collects workload data from multiple VoIP proxy servers **[see paragraph 0017]** where the load monitor receives workload information from a subnet of the entire VoIP proxy server network **[see paragraph 0041]**. It would have been obvious for a person having ordinary skill in the art to monitor gateways identified by a

specific subnet mask. It is desirable to monitor gateways identified by a specific subnet in order to balance workload among the gateways (see paragraph 0017).

Regarding claim 18, Burst teaches the computer program product according to claim 13, wherein said packet switched backbone is an Internet Protocol (IP) backbone [**see column 6 lines 28-31 where the network is shown to be an IP network core**].

Regarding claim 19, the computer program product according to claim 13, wherein said instructions for making said decision on the admissibility of said request for said first media gateway to terminate said new bearer connection is made at the first media gateway [**see column 7 lines 4-8 where the destination gateway performs the Connection Admission Control including refusing connection requests to nodes over links that the gateway has determined are congested**].

Regarding claim 20, Burst teaches the computer program product according to claim 13, wherein said instructions for making the decision on the admissibility of said request for said first media gateway to terminate said new bearer connection is made at a media gateway controller controlling said first media gateway, and said monitored congestion levels are signaled to the media gateway controller by the first media gateway [**see column 12 lines 1-5 where the media gateway processor (media gateway controller) utilizes information stored in a congestion state table (first media gateway) in performing said Call Admission Control**].

3. Claims 2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burst as applied to claims 1,6-10,13, and 18-20 above, and further in view of Rao (US 6,876,627 B1) (herein after Rao).

Regarding claim 2, Burst teaches the method according to claim 1including the step of monitoring the level of congestion suffered by said incoming packets for said first media gateway as discussed above. However, Burst does not explicitly teach the step of: examining said incoming packets received at said first media gateway to determine whether or not they contain a congestion notification flag. However, Rao, in the same field of endeavor (VOIP) teaches monitoring congestion in a network in a Connection Admission Control by monitoring congestion notifications sent in a form of a bit within a header in a packet **[see column 4 lines 21-33]**. Therefore, it would have been obvious for a person having ordinary skill in the art to monitor the level of congestion suffered by incoming packets to a one of a plurality of media gateways comprising examining packets received at that gateway to determine whether or not they contain a congestion notification flag. This is desirable because it allows the controller make prompt decisions on call admission and switching calls to alternate links based on real time QOS updates including congestion which allows the carrier guarantee VOIP quality of service to its subscribers.

Regarding claim 14, Burst teaches the computer program product according to claim 13, including the instructions for monitoring the level of congestion suffered by said incoming packets for said first media gateway as discussed above. However, Burst does note explicitly teach examining said incoming packets received at that first media gateway to determine whether or not they contain a congestion notification flag. However, Rao, in the same field of endeavor (VOIP), teaches monitoring congestion in a network in a Connection Admission Control by monitoring congestion notifications sent in a form of a bit within a header in a packet **[see column 4 lines 21-33]**. Therefore, it would have been obvious for a person having ordinary skill in the art to monitor the level of congestion suffered by incoming packets to a one of a plurality of media gateways comprising examining packets received at that gateway to determine whether or not they contain a congestion notification flag. This is desirable because it allows the controller make prompt decisions on call admission and switching calls to alternate links based on real time QOS updates including congestion which allows the carrier guarantee VOIP quality of service to its subscribers.

4. Claims 3, 5, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burst as applied to claims 1,6-10,13, and 18-20 above, and further in view of Murphy et al. (US 6,542,499) (herein after Murphy).

Regarding claim 3, Burst teaches the method according to claim 1, including the step of monitoring the level of congestion suffered by said incoming packets for said first media

gateway. However, Burst does not explicitly teach the step of: monitoring the rate at which incoming packets are dropped. However, Murphy in the same field of endeavor (VOIP) teaches monitoring the rate at which packets are dropped **[column 8 lines 37-39 where congestion is detected by monitoring packet loss]**. It would have been obvious for a person having ordinary skill in the art to monitor the rate at which packets are dropped in order to determine the need and perform fall back call link for communications that need call fall back.

Regarding claim 5, Burst teaches the method according to claim 1 including the step of monitoring the level of congestion suffered by said incoming packets for said first media gateway as discussed above regarding claim 1. However, Burst does not explicitly teach the step of: associating incoming packets or packet sequences with an originating gateway based upon source addresses or parts of source addresses. However, Murphy teaches a controller looks for IP address identified with congestion and If congestion is detected, a link is established and the call is migrated **[see [see column 10 line 66-colum 11line 3].**

It would have been obvious for a person having ordinary skill in the art to associate incoming packets with an originating gateway based on source address. This is desirable because it allows the gateway to determine the need and perform fall back call link for communications that need call fall back.

Regarding claim 15, Burst teaches the computer program product according to claim 13, including instructions for monitoring the level of congestion suffered by said incoming packets for said first media gateway as discussed above. However, Burst does not explicitly teach instructions for monitoring the rate at which packets are dropped. However, Murphy in the same field of endeavor (VOIP) teaches monitoring the rate at which packets are dropped **[column 8 lines 37-39 where congestion is detected by monitoring packet loss]**. It would have been obvious for a person having ordinary skill in the art to monitor the rate at which packets are dropped in order to determine the need and perform fall back call link for communications that need call fall back.

Regarding claim 17, Burst teaches the computer program product according to claim 13, including instructions for monitoring the level of congestion suffered by said incoming packets for said first media gateway as discussed above. However, Burst does not explicitly teach instructions for associating incoming packets or packet sequences with an originating gateway based upon source addresses or parts of source addresses. However, Murphy teaches a controller looks for IP address identified with congestion and If congestion is detected, a link is established and the call is migrated **[see [see column 10 line 66-colum 11line 3]**.

It would have been obvious for a person having ordinary skill in the art to associate incoming packets with an originating gateway based on source address. This is desirable because it allows the gateway to determine the need and perform fall back call link for communications that need call fall back.

5. Claims 4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burst as applied to claims 1,6-10,13, and 18-20 above, and further in view of Rao as applied to claims 2 and 14 and Murphy as applied to claims 3, 5, 15 and 17 above.

Regarding claim 4, Burst teaches the method according to claim as discussed above. However, Burst does not explicitly teach the steps of: monitoring the rate at which incoming packets are dropped by the backbone. However, Murphy in the same field of endeavor (VOIP) teaches monitoring the rate at which packets are dropped **[column 8 lines 37-39 where congestion is detected by monitoring packet loss]**. It would have been obvious for a person having ordinary skill in the art to monitor the rate at which packets are dropped in order to determine the need and perform fall back call link for communications that need call fall back.

However, Burst does not explicitly teach examining said incoming packets received at said first media gateway to determine whether or not said incoming packets contain a congestion notification flag. However, Rao, in the same field of endeavor (VOIP) teaches monitoring congestion in a network in a Connection Admission Control by monitoring congestion notifications sent in a form of a bit within a header in a packet **[see column 4 lines 21-33]**. Therefore, it would have been obvious for a person having ordinary skill in the art to monitor the level of congestion suffered by incoming packets to a one of a plurality of media gateways comprising examining packets received at that gateway to determine whether or not they contain a congestion notification flag. This is desirable

because it allows the controller make prompt decisions on call admission and switching calls to alternate links based on real time QOS updates including congestion which allows the carrier guarantee VOIP quality of service to its subscribers.

Regarding claim 16, Burst teaches the computer program product according to claim 13, including instructions for monitoring the level of congestion suffered by said incoming packets for said first media gateway as discussed above. However Burst does not explicitly teach instructions for monitoring the rate at which packets are dropped by the backbone. However, Murphy in the same field of endeavor (VOIP) teaches monitoring the rate at which packets are dropped **[column 8 lines 37-39 where congestion is detected by monitoring packet loss]**. It would have been obvious for a person having ordinary skill in the art to monitor the rate at which packets are dropped in order to determine the need and perform fall back call link for communications that need call fall back.

However, Burst does not explicitly teach examining said incoming packets received at the first media gateway to determine whether or not said incoming packets contain a congestion notification flag. However, Rao, in the same field of endeavor (VOIP) teaches monitoring congestion in a network in a Connection Admission Control by monitoring congestion notifications sent in a form of a bit within a header in a packet **[see column 4 lines 21-33]**. Therefore, it would have been obvious for a person having ordinary skill in the art to monitor the level of congestion suffered by incoming packets to a one of a plurality of media gateways comprising examining packets received at that gateway to

determine whether or not they contain a congestion notification flag. This is desirable because it allows the controller make prompt decisions on call admission and switching calls to alternate links based on real time QOS updates including congestion which allows the carrier guarantee VOIP quality of service to its subscribers.

(10) Response to Argument

Appellant's arguments filed 09/01/2010 (herein after 'the brief' or simply 'brief') have been fully considered but they are not persuasive.

First examiner would like to thank the appellant for identifying a typographical error in the final office action where column 8 was erroneously cited in an attempt to cite column 18.

Appellant has argued that the Burst and Wu reference, taken alone or in combination, fail to disclose or suggest "receiving a request for said first media gateway to terminate a new bearer connection over said backbone from a second media gateway within said group of media gateways…" (brief page 6 last paragraph). In an attempt to support this allegation, appellant asserted that Burst discloses that the gateway disclosed in Burst receives a request to create a call to a specific destination, and based on reference to a congestion table, determines whether or no that the request is accepted or rejected (brief page 7 lines 16-20); and therefore, the admissibility of the request is made based on previous monitored congestion on the first media gateway's incoming packets (brief page 7 lines 26-27). Examiner respectfully disagrees with the appellant's argument and assertions for the following reasons:

- First, examiner notes that appellant's argument seems to necessarily imply that Burst teaches that the recited decision on the admissibility of a call is done <u>only</u>

at one of the gateways. That is to say [referring to column 18 lines 1-10 of the Burst reference] the decision whether to accept or deny a call is made <u>only</u> at the first gateway that initiates a call. However, said passage explicitly states "the media gateways at <u>both</u> ends of <u>the communication</u> should stop admitting new calls until none of the elements of Db exceed Dt (see Burst column 18 lines 7-9). Therefore, the cited passage of Burst anticipates the gateway at the receiving end of the communication also makes a decision on the admissibility of the call based on the monitored level of congestion. Therefore, Burst teaches a gateway (that is at the end of the communication) receives a request to <u>terminate</u> a new bearer connection (This is plausible since the destination gateway calculates and determines the presence of congestion before the source gateway does. Hence there are scenarios where a source gateway is unaware of the presence of congestion and therefore requests for an initiation of a call).

- In addition, Burst also explicitly and separately discusses an embodiment where the destination gateway performs the Connection Admission Control-CAC (see Burst column 6 lines 54-column 7 line 7). Here, a destination gateway computes congestion and performs CAC where said destination gateway refuses connection requests. Therefore Burst anticipates gateways that refuse requests for both outgoing (at the source gateway) and incoming (at the destination gateway) call requests.

Appellant has also argued that Burst and Wu, alone or in combination, do not disclose that Bursts's specific destination is a part of an identified subnet or any other group (brief page 8 lines 10-14). Examiner respectfully disagrees with the appellant's assertions for the following reasons:

- First, it should be noted that Burst teaches the congestion is monitored within a specific network (for example in the 'core' - see column 6 line 11; see column 7 lines 4-14 where the congestion is detected for IP links between one regional office to another). Therefore, Burst's Call Admission Control system is concerned with a particular network; although Burst did not explicitly disclose how this particular network is identified. Wu, discloses a VoIP application (i.e. same field of endeavor as Burst) that allows voice calls to be originated and terminated (see Wu paragraph 0023). Therefore, a person, having ordinary skill in the art, with knowledge of the Burst reference would be inspired by the Wu reference to consider identifying the 'network' disclosed in Burst based on subnet address.
- Secondly, it should be noted that the claim language merely requires that the group of media gateways be 'identified by a specific subnet mask'. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Since the claim language merely requires an identification of a group of gateways by a subnet, a showing of gateways that belong to a particular

network, where the gateways (Burst) belong to a subnet (Wu) meets all the requirements of the recited limitation of the claims.

- In response to the to applicant's argument that Wu discloses the subnet (in order to) receive workload information in order to load balance VoIP proxy server (see brief page 8 lines 29-32), the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). As such, Examiner respectfully disagrees with Appellant's assertion that combination of Burst and Wu is improper.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Sori A Aga/

Examiner, Art Unit 2476

Conferees:

/Salman Ahmed/

Primary Examiner, Art Unit 2476

/Jayanti K. Patel/

Supervisory Patent Examiner, Art Unit 2465